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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 11 2000

REPLY TO THE ATTENTION OF:

PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN
RECEIPT REQUESTED

SR-6J

Paul R. Jeffers, Inc.
Attn.: Harry Levison
Registered Agent
955 Spitzer Bldg.
Toledo, Ohio 43604

Re: Request for Information Pursuant to Section 104 of CERCLA
for Stickney Avenue Landfill and Tyler Street Dump in
Toledo, Lucas County, Ohio

Dear Mr. Levison:

This letter seeks your cooperation in providing information and documents relating to the contamination of the Stickney and Tyler Superfund Sites in Toledo, Lucas County, Ohio ("Sites"). A Superfund site is a site contaminated with high levels of hazardous substances that may present a threat to human health or the environment.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and attached questions (Attachment B) within ten (10) days of your receipt of this letter.

The United States Environmental Protection Agency ("U.S. EPA") is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. U.S. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. U.S. EPA will study the effects of these substances on the environment and public health. In addition, U.S. EPA will identify activities, materials, and parties that contributed to contamination at the Site. U.S. EPA believes that you might have information which may assist the Agency in its investigation of the Site.

Description of Legal Authority

The federal "Superfund" law (the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601, et seq., commonly referred to as "CERCLA" and "Superfund") gives U.S. EPA the authority to, among other things: (1) assess contaminated sites, (2) determine the threats to human health and the environment posed by each site, and (3) clean up those sites in the order of the relative threats posed by each.

Information Request

Under Section 104(e)(2) of CERCLA, 42 U.S.C. §9604(e)(2), U.S. EPA has broad information gathering authority which allows U.S. EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

While U.S. EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information U.S. EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish U.S. EPA to treat the information confidentially, you must advise U.S. EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site,

that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. §3501 et seq.

Instructions on how to respond to the questions in Attachment B to this document are described in Attachment A. Your response to this Information Request should be mailed to:

Marsha Adams, Enforcement Specialist
Remedial Enforcement & Support Section, SR-6J
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Marsha Adams, Enforcement Specialist, at (312) 353-9484, or James Cha, Associate Regional counsel at (312) 886-0813. However, if you have specific questions about the Information Request, please contact Marsha Adams, Enforcement Specialist, at (312) 353-9484.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,



for Wendy L. Carney, Chief
Remedial Response Branch #1

Enclosure:

Attachment A Instructions and Definitions
Attachment B Information Request

Attachment A
Instructions and Definitions

Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, U.S. EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to U.S. EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b).

If you make a claim of confidentiality for any of the information you submit to U.S. EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by U.S. EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to U.S. EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by U.S. EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by U.S. EPA, then it may be made available to the public by U.S. EPA without further notice to you.

7. Disclosure to U.S. EPA Contractor. Information which you submit in response to this Information Request may be disclosed by U.S. EPA to authorized representatives of the United States, pursuant to 40 C.F.R. §2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that U.S. EPA may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "**arrangement**" means every separate contract or other agreement between two or more persons, whether written or oral.

2. The term "**documents**" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.

3. The term "**hazardous substance**" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.

4. The term "**identify**" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last

known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.

5. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "**identify**" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.

6. The term "**material**" or "**materials**" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.

7. The term "**person**" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.

8. The term "**pollutant or contaminant**" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

9. The term "**real estate**" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.

10. The term "**release**" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

11. The term "**Stickney Site**" shall mean the Stickney Avenue Superfund Site located in Toledo, Lucas County, Ohio.

12. The term "**Tyler Site**" shall mean the Tyler Street Superfund Site located in Toledo, Lucas County, Ohio.

12. The term "**waste**" or "**wastes**" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste,

hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

13. The term "**you**" or "**Respondent**" shall mean Paul R. Jeffers, Inc.

Attachment B
Information Request

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. List the EPA Identification Numbers of the Respondent.
5. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants, and damages resulting therefrom.
6. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal, or other handling of hazardous substances by you, your contractors, or by prior owners and/operators.
7. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances? If the answer to the preceding question is anything but an unqualified "no", identify:
 - a) The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance;
 - b) Who supplied you with such hazardous substances;
 - c) How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;
 - d) When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;

e) Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you; and

f) The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

8. Provide copies of all income tax returns sent to the Federal Internal Revenue Service in the last five years.

9. If Respondent is a Corporation, respond to the following requests:

a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.

b) Provide Respondent's audited financial statements for the past five fiscal years, including, but not limited to those filed with the Internal Revenue Service. If audited financial statements are not available, please state the reasons that they are not available, and provide the financial statements that management would review at the conclusion of each fiscal year.

c) Identify all of Respondent's current assets and liabilities and the persons who currently own or are responsible for such assets and liabilities.

d) Provide a list of any investments that the Corporation may own. For example, any ownership in stock should list Corporate name, number of shares owned, and price at a current specific date. Ownership of real estate should itemize property location, type of property (land, office building, factory, etc.), size of property, purchase price, and current market valuation. These schedules should agree with financial statement presentations.

11. If Respondent is a Partnership, provide copies of the Partnership Agreement.

12. If Respondent is a Trust, provide all relevant agreements and documents to support this claim.

13. Have you or any other person working with you or on your behalf ever accepted waste materials for transportation to the Stickney Site or the Tyler Site from any person? If the answer to this question is anything but an unequivocal no, identify:

- a) The persons from whom you or such other persons accepted waste materials for transport to the Stickney Site or the Tyler Site;
 - b) Every date on which waste materials were so accepted or transported;
 - c) For each transaction, the nature of the waste materials accepted or transported, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the material was used or the process which generated the material;
 - d) For each material, describe any warnings given to you with respect to its handling;
 - e) The owner of the materials so accepted or transported;
 - f) The quantity of the material involved (weight or volume) in each transaction and the total quantity for all transactions;
 - g) All tests or analyses and analytical results concerning each material;
 - h) The price charged for transport and/or disposal per drum, barrel, container, load (or whatever unit used) of waste materials brought to the Site.
14. Identify the years during which you hauled wastes or other materials for or on behalf of the entities Sun Oil Company or Sun Oil of Pennsylvania (hereinafter, "Sun Oil").
15. Provide copies of all contracts between Paul R. Jeffers, Inc., or Paul R. Jeffers in his individual capacity, and Sun Oil, for the hauling of wastes or other materials for or on behalf of Sun Oil.
16. Indicate what types of wastes or other materials you hauled for or on behalf of Sun Oil, and provide copies of any documents which reflect the chemical composition of such wastes or other materials.
17. Identify the landfills or dump sites to which you hauled wastes or other materials for or on behalf of Sun Oil.
18. State whether you ever hauled wastes or other materials to the Tyler Site (Tyler) for or on behalf of Sun Oil. Identify the types of wastes or other materials which you hauled to Tyler for

Sun Oil, provide the dates during which you hauled each of these wastes or other materials to Tyler, indicate how many times per month you hauled Sun Oil's wastes or other materials to Tyler, and identify the volume of each such wastes or other materials hauled to Tyler for Sun Oil each month. Provide all documents which support your response to this request no. 18.

19. State whether you ever hauled wastes or other materials to the Stickney Site (Stickney) for or on behalf of Sun Oil. Identify the types of wastes or other materials which you hauled to Stickney for Sun Oil, provide the dates during which you hauled each of these wastes or other materials to Stickney, and indicate how many times per month you hauled Sun Oil's wastes or other materials to Stickney, and identify the volume of each such wastes or other materials hauled to Stickney for Sun Oil each month. Provide all documents which support your response to this request no. 19.

20. Describe in detail the manner in which Sun Oil wastes or other materials were disposed of at Tyler, including all actions taken by the City employees in handling Sun Oil wastes or other materials. For example, indicate whether you discharged the wastes or other materials into a trench or pit, or whether the wastes or other materials were spread upon the ground.

21. Describe in detail the manner in which Sun Oil wastes or other materials were disposed of at Stickney, including all actions taken by the City employees in handling Sun Oil wastes or other materials. For example, indicate whether you discharged the wastes or other materials into a trench or pit, or whether the wastes or other materials were spread upon the ground.

22. Provide all documents which provide any information responsive to these requests.

23. Provide all correspondence and other documents which you received from or delivered to the City of Toledo and/or the State of Ohio concerning Sun Oil wastes or other materials and the disposal of such wastes or other materials at either Tyler or Stickney.



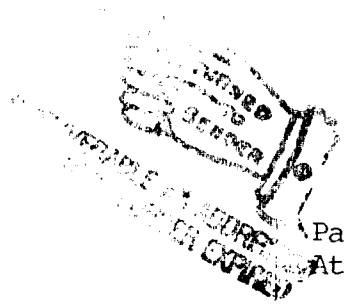
United States
Environmental Protection
Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Official Business
Penalty for Private Use
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955 SPITZER BLVD
TOLEDO, OH 43604



U.S. OFFICIAL USE
FOR PRIVATE USE
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FILED



Paul R. Jeffers, Inc.
Attn.: Harry Levison
Registered Agent
955 Spitzer Blvd.
Toledo, OH

UKW

Return envelope to the
address of the return address

CERTIFIED

Z 441 084 150

MAIL

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Paul R. Jeffers, Inc.
Attn.: Harry Levison
Registered Agent
955 Spitzer Bldg.
Toledo, OH 43604

4a. Article Number

2441 084150

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

Domestic Return Receipt